IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9376 OF 2005

Smt Laxmibai Bhiku Mhatre .. Petitioners
& ors
vs

Shri Chintu Hiru Kamble.. Respondent

Mr. P.S.Dani for Petitioners

Mr.A.S.Kode for Respondent no.1

CORAM : S.A.BOBDE, J

DATED : 3rd August, 2007

P.C.

1. The petitioners have challenged the order of the learned District Judge refusing to restore his appeal. The appeal was earlier dismissed for non-removal of office objections and an application for restoration has been dismissed inter alia for condonation of delay in preferring the appeal. It is not clear if the petitioners were aware of the impugned order or that when they came to know of the dismissal of the appeal on a particular date. It appears that there was a delay because, their advocate was regularly practising at Pen which is at a distance of about 100 kms away from Raigad. Having regard to the circumstances, it does not appear there was any delay or willful neglect. The petition is therefore, allowed and the impugned order is hereby set aside subject to the petitioners paying costs of Rs.1500/- to the

respondent within two weeks from today. Upon payment of costs, the appeal shall stand restored.

(S.A.Bobde, J)